

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6319

BILL NUMBER: SB 48

NOTE PREPARED: Nov 26, 2008

BILL AMENDED:

SUBJECT: Child Solicitation.

FIRST AUTHOR: Sen. Head

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill makes child solicitation committed by a person at least 21 years of age against a child under 14 years of age: (1) a Class B felony if it is committed by means of a computer network; and (2) a Class A felony if it is committed by means of a computer network by a person who has a prior conviction for child solicitation by means of a computer network.

Effective Date: July 1, 2009.

Explanation of State Expenditures: The bill includes the following new offenses to the crime of child solicitation for offenders at least 21 years of age and victims under the 14 years of age.

Circumstance	Crime Class
Solicits sexual intercourse, deviate sexual conduct, or any fondling or touching	Class D felony
Above via a computer network	Class B felony
Above with a previous conviction for an unrelated offense	Class A felony

A Class A felony is punishable by a prison term ranging from 20 to 50 years and a Class B felony is punishable by a prison term ranging from 6 to 20 years, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,287 in FY 2008. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff,

the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$69,223. The average length of stay in Department of Correction facilities for all Class A felony offenders is approximately 9.1 years and for all Class B felony offenders is about 3.7 years.

Background: Under current law, child solicitation is defined as being committed by a person who is at least 18 years of age against a child under 14 years of age, or by a person at least 21 years of age or against a child between 14 and 16 years of age.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A felony or for a Class B felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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